

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

REPORT AND RECOMMENDATION

On March 2, 2017, defendant Anthony Williams, by counsel, filed a motion for a judicial determination of mental competency pursuant to 18 U.S.C. § 4241. (Doc. 35). That same date, Defendant was ordered to undergo to undergo a competency evaluation. (Doc. 36). The examination was conducted at the Metropolitan Correctional Center in Chicago, Illinois. The Forensic Report is dated July 12, 2017. The report was filed with the Court on July 13, 2017. (Doc. 43).

A hearing was held as to defendant's competency on July 18, 2017 (Doc. 46, 47). The defendant appeared by counsel, Casey Symonds. Assistant United States Attorney Jeffrey McCarther appeared for the government. Both parties stipulated that if called to testify, Dr. David Szyhowski, would testify consistent with the Forensic Report he has submitted to the Court. In the Psychological Evaluation Report, Dr. Szyhowski opined that defendant Anthony Williams does not appear to suffer from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense. However, defense counsel sought a continuation of the competency hearing so that he may have an opportunity to cross examine Dr. Szyhowski. The issue of defendant's competency was taken up again on August 17, 2017. (Doc. 51). The defendant appeared by counsel, Tyler Jansen. Assistant United States Attorney Jeffrey McCarther appeared for the Government. Dr. Szyhowski appeared by telephone.

Dr. Szyhowski testified he first made contact with the defendant the day after defendant arrived at the facility in a non-forensic setting. During an incident involving an assault on a guard, defendant refused a direct order and was placed in the Special Housing Unit pending

investigation. Dr. Szyhowski issued an Incident Report for defendant refusing to obey the order and defendant received a thirty-day commissary restriction. Dr. Szyhowski testified this incident did not affect his impartiality when later evaluating defendant in a clinical setting. Dr. Szyhowski further testified he was familiar with defendant's mental health history and was aware that defendant had reported periodic suicide attempts. Defendant had not attempted suicide while at the facility.

Based on the Forensic Report submitted by Dr. Szyhowski for the defendant, Anthony Williams, and Dr. Szyhowski's testimony during the August 17, 2017 hearing, the Court finds that defendant Anthony Williams is not presently suffering from a mental disease or defect rendering him incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

IT IS, THEREFORE, RECOMMENDED that defendant Anthony Williams be found competent to stand trial.

Dated this 14th day of September, 2017, at Kansas City, Missouri.

/s/ *Matt J. Whitworth*

MATT J. WHITWORTH
United States Magistrate Judge